FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing in which the Petitioners request approval of a two-story addition to the existing dwelling on the subject property for Petitioners' In-Laws; a Petition for Special Exception to approve the use of two buildings on the subject property, zoned R.C. 2, for an antique shop business; and a Petition for Zoning Variance requesting relief from Sections 102.2 and 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a distance between buildings of 45 feet in lieu of 70 feet, and building to lot line setbacks of 28 feet and 21 feet, both in lieu of the required 35 feet for each; from Section 409.8.A.2 of the B.C.Z.R. to permit a crusher run surface in lieu of the required durable and dustless; and from Section 402.B.3 of the B.C.Z.R. to permit a freestanding sign of 40 sq.ft. (20 sq.ft. per side) in lieu of the maximum permitted 5 sq.ft., all as more particularly described on Petitioner's Exhibit 1.

The Petitioners, James and Joanne Brazil, appeared, testified and were represented by Thanos Kanellakos, Esquire. There were no Protestants.

Testimony indicated that the subject property, known as 4500 Jully Acres Road, consists of 2.68 acres more or less zoned R.C. 2 and is improved with a two-story dwelling, two sheds, and a garage. Petitioners utilizing the larger, 14.3'x 30.2' shed located to the rear of the subject property for the antique sales shop, and the 23.8' x 33.3' garage building for storage space. In addition, the Petitioners are desirous of adding a two-story addition to the existing dwelling to provide private living quarters for Joanne Brazil's parents. Petitioners testified that these private living quarters will be for Mrs. Brazil's parents, only, and not for any other family members and that they will not be rented for public use. Testimony indicated that the special exception request is for the Petitioners and their children, only, and that the use of the property as an antique shop will be limited to the two buildings described above. Petitioners testified that the variances from setback requirements are needed for existing buildings and that the proposed crusher run surface will be in keeping with the rural character and nature of the surrounding uses in the vicinity. Petitioners testified that the proposed sign is necessary to identify the location of the antique business and will not be illuminated. Testimony and evidence presented indicated that the use of the property as an antique shop meets the special exception requirements set forth in Section 502.1 of the B.C.Z.R. and that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

are desirous of establishing an antique business on the subject property,

It should be noted that the Office of Planning submitted comments dated April 14, 1992 in which they indicate their support of the use proposed. However, the Office of Planning is opposed to the size of the proposed sign, indicating that the requested double-faced sign of 40 sq.ft. is excessive and unnecessary. In the opinion of this Deputy Zoning Commissioner, a 40 sq.ft. sign is unnecessary; however, I believe that a

sign of 30 sq.ft., or 15 sq.ft. per side, is appropriate in this instance given its location on Old York Road, and will so order.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

It is clear that the B.C.Z.R. permits the use proposed in an R.C.2 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes

- 3-

of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome:

> 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief: and

> 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted. such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented. it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use

of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested shall be granted, subject to the restrictions set forth

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of June, 1992 that the Petition for Special Hearing requesting approval of a two-story addition to the existing dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the restrictions set forth hereinafter; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to approve the use of two buildings on the subject property, zoned R.C. 2, for an antique shop business, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the restrictions set forth hereinaf-

IT IS FURTHER ORDERED that the Petition for Zoning Variance requesting relief from Sections 102.2 and 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a distance between buildings of 45 feet in lieu of 70 feet, and building to lot line setbacks of 28 feet and 21 feet, both in lieu of the required 35 feet for each; from Section 409.8.A.2 of the B.C.Z.R. to permit a crusher run surface in lieu of the required durable and dustless, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the restrictions set forth hereinafter; and,

IT IS FURTHER ORDERED that a variance from Section 402.B.3 to permit a 30 sq.ft. (15 sq.ft. per side) freestanding sign in lieu of the permitted 5 sq.ft. sign, be and is hereby GRANTED, subject to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) The special hearing relief granted herein is limited to Joanne Brazil's parents, only. No other family members or public rental will be permitted.

3) The special exception relief granted herein shall inure to the use and benefit of the Petitioners, only. In the event the subject property is sold, leased or transferred to a third party, then the antique shop use of the subject property shall cease and the special exception relief granted herein shall terminate.

4) The use of the property for an antique shop shall be limited to the existing 14.3' x 30.2' frame building located to the rear of the site, identified as a shed on Petitioner's Exhibit 1, and the 23.8' x 33.3' frame building, identified as a garage on Petitioner's Exhibit 1. There shall be no future expansion of the antique shop business without a public hearing.

5) The crusher run paving surface shall be treated twice a year in accordance with DEPRM Article 10.18. 03.D to prevent particulate matter from becoming airborne. Petitioner shall maintain permanent records which establish that the required treatments have taken place in each of the required years from the date of this Order until the subject use ceases on the subject property. Such records shall be made available on demand for inspection by the Zoning Enforce-

6) Prior to the issuance of any permits, Petitioners shall submit a revised site plan incorporating the

ment Division of the Office of Zoning.

ORDE Date By

relief granted herein. Said plan shall depict the modified sign variance granted herein.

7) Prior to the issuance of any permits, Petitioners shall submit a landscape plan for approval by the Deputy Director of Planning and the Landscape Planner for Baltimore County. A copy of the approved plan shall be submitted to this Office for inclusion in the case file prior to the issuance of any permits.

8) When applying for any permits, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Zoning Variance requesting relief from Section 402.B.3 of the B.C.Z.R. to permit a freestanding sign of 40 sq.ft. (20 sq.ft. per side) in lieu of the maximum permitted 5 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

TMK:bjs

ORDER RE Date By

Deputy Zoning Commissioner for Baltimore County

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

June 15, 1992

Thomas Kanellakos, Esquire 3224 Eastern Avenue Baltimore, Maryland 21224

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION AND ZONING VARIANCE NE/Corner Jolly Acres Road and Old York Road (4500 Jolly Acres Road)

7th Election District - 3rd Councilmanic District James A. Brazil, et ux - Petitioners Case No. 92-363-SPHXA

Dear Mr. Kanellakos:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Special Exception have been granted and the Petition for Zoning Variance granted in part and denied in part in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

cc: People's Counsel

ORDER REC

- 6-

- 7-

CEIVED FOR

1	
	Petition for Special Hearing
	to the Zoning Commissioner of Baltimore County
MAYLAM	for the property located at 4570 July Acres Read RCL-

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached. hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve In Lun ADD TION (d-Story)

perty is to be posted and advertised as prescribed by Zoning Regulations. we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to an be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore Coun	d nty.
be bound by the zoning regulations and restrictions of baltimore country despets plant	

	I/We do solemnly declare and affirm, under the penalties of perjury, that I we are the
	legal owner(s) of the property which is the subject of this Petition
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ttorney for Petitioner	i = i
17.	State Zipcode
ype or Print Name:	City Name. Address and phone number of legal owner contract purchaser or representati
//	to be contacted
Signature	Name
San Brown the State of	
Phone No	Address Phone No
Address	OFFICE USE ONLY
State	Zipcode ESTIMATED LENGTH OF HEARING ungvailable for Hearing
	Next Two Months

92-363 417 CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

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Number of Signal	

Petition for Special Exception

to the Zoning Commissioner of Baltimore County 92-363-XA

The undersigned, legal described in the description Special Exception under the herein described property for				
	·	 -	 	

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): Contract Purchaser/Lessee: JAMES A. BRAZIL (Type or Print Name) (Type or Print Name) JOANNE BRAZIL Goonne Brusch Attorney for Petitioner:

Signature Name, address and phone number of legal owner, con-3224 Eastern Acome tract purchaser or representative to be contacted BOHIMENE, MOD 21004 Attorney's Telephone No.: _____

Idama Femiliation

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 92-363-SPHXA N/S Jolly Acres Road on NEC

N/S Jolly Acres and Old York Roads 4500 Jolly Acres Road 7th Election District 3rd Councilmanic Petitioner(s): James A and Joanne Brazil Hearing Date: Wednesday, June 3, 1992 at 9:30 a.m.

Special Exception: for an antique shop (2 buildings). Variance: to permit a 45 foot distance between buildings in lieu of 70 feet; setbacks of 26 feet and 21 feet to a lot line in lieu of 35 feet;

feet to a lot line in lead of 35 feet, to permit a crusher run surface in lieu of the required durable and dustless; and to permit a 40 square foot tree-standing sign (20 square feet per face) in lieu of the maximum 5 square feet. Special Hearing: to approve an in-iaw addition (2) story.

LAWRENCE E. SCHMIDT Zoning Commissioner of Baltimore County

Special Exception: for an antique shop (2 buildings). Variance: to permit a 45 foot distance between buildings in lieu of 70 feet; astbacks of 28 feet and 21 feet to a lot line in lieu of 35 feet;

NOTE: HEARINGS ARE HANDI-CAPPED ACCESSIBLE: FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. 5/133 May 14.

Number

ESTIMATED LENGTH OF HEARING -1/2HR. AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS REVIEWED BY: DATE

White Hall md 21161

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on $\frac{5/(4)}{1997}$

5. Zete Orlow

\$ 54.67

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on 4-7, 1992

the Jeffersonian,

5. Zete Orlow

\$ 49.70



Petition for Variance

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 102.2 \$ 1901.38.3 TO Page 17 A 45 DISTANCE BETWEEN BLOGS IN LIEU of 70' AND SCHROCKS OF 28 421 TO A LOT LINE LIEW OF 35; AND \$409.8.4.2 TO PERMIT A MEN CRUSHER RUN SURFACE IN LIEU OF THE REQUIRED of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) DURABLE & OUSTLESS; AND \$402.8.3 TO PERMIT A 40'SOF. FREE STANDING SIGNS (20/FACE) IN LIEU of THE MAXIMUM 5 SO. FT.

Property is to be posted and advertised as prescribed by Zoning Regulations

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon tiling of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

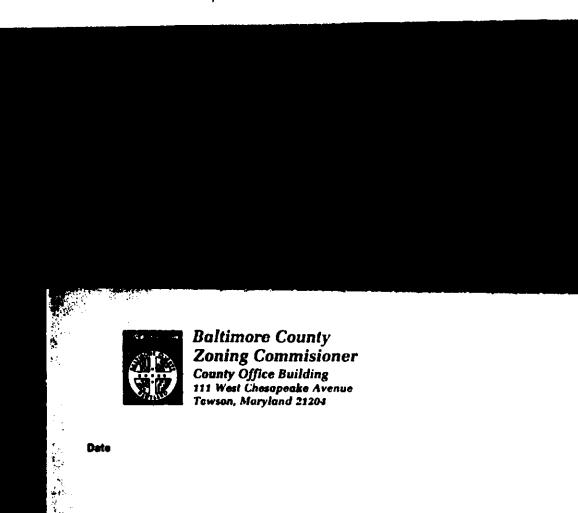
I/We do solemnly declare and affirm.

War was to have	ESTIMATED LENGTH OF HEARING -1/2HR. +1 AVAILABLE FOR HEARING			
	OFFICE USE ONLY			
Attorney & Leichhoute 140.: 111111111111111111111111111111111111	Address Phone No.			
Attorney's Telephone No.:	SAME Phone No.			
City and State	Name			
Baltimore, Maryland 21224	James Bragil			
Address	tract purchaser or representative to be contacted			
3224 Eastern Avenue	Name, address and phone number of legal owner, con-			
Signature	City and State			
Mance Kennillan	WHITE HALL MID 2116			
(Type or Print Name)	Address Phone No.			
Thanos Kanellakos, Esquire	4500 Jolly Azres Ro. 3+3-145 Address Phone No.			
Attorney for Petitioner:				
City and State	Signature Signature			
Address	AT			
Signature	Signature JOANNE BLAZIL			
(Type or Print Name)	(Type or Print Name)			
	JAMES BCAZA			
Contract Purchaser/Lessee:	Legal Owner(s):			
	under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this l'etition.			

Zoning Commisioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204 3718792 H9200375

PUBLIC HEARING FEEL 020 -ZUNDING MARIJANCE COLLHERY 050 -GRECIAL EXCEPTION -cuaL:_ \$350.00 LAST NAME OF OWNERS BROKES

04A04#0042MICHRC Please Make Checks Payable To: Beltimore County



MANK & KUNST **408 YORK ROAD** TOWSON, MARYLAND 21204

line of the Old York Road with the center line of the Jolly

feet, thence leaving Old York Road North 63 degrees 30

line of said road, and running thence and binding on the

center line of Jolly Acres Road 1) North 83 degrees 17

105.50 feet to the place of beginning. The improvements

of record for the sole purpose of facilitating the zoning applications being filed upon said property and is not to be

used as a legal description for the conveyance of said

thereon being known as no. 4500 Jolly Acres Road.

Acres Road, and running thence and binding on the center line

of the Old York Road North 10 degrees 33 minutes West 453.75

minutes East 260 feet to a point, and running thence South 39

degrees 42 minutes East 200 feet, and running thence South 70 degrees 09 minutes West 185 feet, thence South 26 degrees 57

minutes West 172 feet and 2) South 63 degrees 49 minutes West

This description has been prepared from existing Deeds

minutes East, passing over a pipe set near the northernmost side of Jolly Acres Road, 358 feet to a point in the center

Account: R-001-6150

receipt

690 SHICKAL HEAR OR SOURCE THE HAME OF BUILDING BROKES

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Please Make Chéthin Palable That Ballimore County \$100.00 EA CO10:09AM04-15-92

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(410) 887-3353

James A. and Joanne Brazil 4500 Jolly Acres Kowl White Hall, Maryland 21161

CASE NUMBER: 92-363-XA N/S Jolly Acres Read on NEC Jolly Acres and Old York Roads Picu Jolly Acros Road 7th Election District - 3rd Councilmanic Fetitioner(s): James A. and Joanne Brazil

Pour Petitioner(s):

Please be advised that \$159.67 is due for advertising and posting at the above captioned

THIS FEE MOST BE PAID. ALSO, THE WOMING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT RESOVE THE SIGN & POST SET(S) FROM THE PROPERTY PUTTL. THE DAY OF THE HEARING.

Please forward your check via return mail to the Moning Office, County Office Building, 111 W. Chesapcake Avenue, Room 113, rowsen, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Monyland. In order to prevent delay of the issuance of paper credit and/or your Order, impostinte attention to this matter is suggested.

LENOLD JAPLON

DIRECTOR

cc: Thanos E. Karellakes, Esq.

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

MAY 14, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-363-SPHXA N/S Jolly Acres Road on NEC Jolly Acres and Old York Roads 4500 Jolly Acres Road 7th Election District - 3rd Councilmanic Petitioner(s): James A. and Joanne Brazil HEARING: WEDNESDAY, JUNE 3, 1992 at 9:30 a.m.

Special Exception for an antique shop (2 buildings). Variance to permit a 45 foot distance between buildings in lieu of 70 feet; setbacks of 28 feet and 21 feet to a lot line in lieu of 35 feet; to permit a crusher run surface in lieu of the required durable and dustless; and to permit a 40 square foot free-standing sign (20 square feet per face) in lieu of the maximum 5 square feet. maximum o square reet.

Special Hearing to approve an in-law addition (2) story.

Zoning Commissioner of Baltimore County

ec: James and Joanne Brazil Thanos E. Kanallakos, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

County Office Building

111 West Chesapeake Avenue

Thomas Konellakos, Esquire

3224 Eastern Avenue

Baltimore, MD 21224

Dear Mr. Konellakos:

accordingly.

process with this office.

Towson, MD 21204

887-3353

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Please Make Checks Payable To: Baltimore County

Baltimore County Government

Office of Zoning Administration and Development Management Office of Planning & Zoning

June 4, 1992

RE: Item No. 429, Case No. 92-363-XA Petitioner: James A. Brazil, et ux

Petition for Special Hearing

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments

from each reviewing agency are not intended to indicate the

appropriateness of the zoning action requested, but to assure that all

parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are

made aware of plans or problems with regard to the proposed

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them

to you. Otherwise, any comment that is not informative will be placed

in the hearing file. This petition was accepted for filing on the

date of the enclosed filing certificate and a hearing scheduled

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing

1) The Director of Zoning Administration and Development

Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

improvements that may have a bearing on this case.

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

James A. and Joanne Brazil 4500 Jolly Acres Road White Hall, Maryland 21161

CASE NUMBER: 92-363-XA N/S Jolly Acres Road on NEC Jolly Acres and Old York Roads 4500 Jolly Acres Road 7th Election District - 3rd Councilmanic Petitioner(s): James A. and Joanne Brazil

Dear Petitioner(s):

Please be advised that \$_119.70 is due for advertising and posting of the above captioned

THIS FEE MUST BE PAID. ALSO, THE ZONING STON & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGH & POST SET(S) FROM THE PROPERTY UNTIL. THE DAY OF THE

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Yowson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21204-5500

MAY 7, 1992

(301) 887-4500

5080.92

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

RE: Property Owner: JAMES A. BRAZIL AND JOANNE BRAZIL

Location: #4500 JOLLY ACRES ROAD

Item No.: +429 (CAM)

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Capt - Line App Planning Group Special Inspection Division Fire Prevention Bureau

JP/KEK



Zoning Agenda: APRIL 27, 1992

ZONING OPPICE

Baltimore County Government
Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

MARCH 27, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-363-XA N/S Jolly Acres Road on NEC Jolly Acres and Old York Roads 4500 Jolly Acres Road 7th Election District - 3rd Councilmanic Petitioner(s): James A. and Joanne Brazil HEARING: WEDNESDAY, APRIL 29, 1992 at 2:00 p.m.

Special Exception for an antique shop (2 buildings). Variance to permit a 45 foot distance between buildings in lieu of 70 feet; setbacks of 28 feet and 21 feet to a lot line in lieu of 35 feet; to permit a crusher run surface in lieu of the required durable and dustless; and to permit a 40 square foot free-standing sign (20 square feet per face) in lieu of the maximum 5 square feet.

Baltimore County

Thanos E. Kanellakos, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS

BALTIMORE COUNTY, MARYLAND

DATE: April 30, 1992

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: April 27, 1992

There are no comments for item numbers 429 and 430.

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING AND ZONING New Courts Building 401 Bosley Avenue Towson, MD 21204

MEMORANDUM

Arnold Jablon, Director - Zoning Administration & Development Management

Ervin McDaniel, Chief Development Review Section Office of Planning and Zoning

April 28, 1992

PETITIONS FROM ZONING ADVISORY COMMITTEE - April 20, 1992 & April 27, 1992

> The Office of Planning and Zoning has no comments on the following petitions:

Charles Eierman - ITEM 425 Brazil Property - ITEM 429 Gary P. Sweat - ITEM 430 Kathleen and Jimmy Ledwell Jeffrey and Doris Scheeler Louis and Janet Heidrich

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning and Zoning at 887-3211.

BALT ORE COUNTY, MARY AND

OFFICE OF PLANNING AND ZONING New Courts Bldg - 401 Bosley Avenue, Towson, MD 21204

Arnold Jablon, Director - Zoning Administration & Development Management

James A. Brazil

Special Exception for an antique shop.

This site is located along a major road and the character of the area is low

The proposed sign is excessive and we recommend that the sign should not exceed

The petitioner is also requesting a Special Exception for an antique shop in an RC2 Zone. Based upon analysis conducted and a site inspection the staff recom-

mends that the special exception be APPROVED subject to the following condi-

what is permitted in the Zoning Regulations. Staff recommends DENIAL of the

425.txt Petitns.txt

The state of the s

Office of Planning and Zoning

4500 Jolly Acres Road

MEMORANDUM

INFORMATION

Item Number

Requested Action:

SUMMARY OF RECOMMENDATIONS:

request for a sign variance.

density residential and agricultural.

BAL MORE COUNTY, MAR AND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

April 29, 1992

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director Zoning Administration and Development Management

DIVISION OF GROUND WATER MANAGEMENT

42.313.4A 4/3"

following petitions:

PETITNS2.ZON

April 14, 1992

Arnold Jablon, Director

Ervin McDaniel, Chief

Theodore C. Solomon

Deborah Rollins Frank

James A. Brazil

Richard Bauman

Development Review Section

SUBJECT: PETITIONS FROM ZONING
ADVISORY COMMITTEE - March 30, 1992

Office of Planning and Zoning

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

The Office of Planning and Zoning has no comments on the

- Item No. 372

- Item No. 377

- Item No. 378

Item No. 375

Zoning Administration & Development Management

Lakes Property Development Corp - Item No. 379

Zoning Item #429 (item # combined with item #375), Zoning Advisory Committee Meeting of April 27, 1992, James A. Brazil and Joanne Brazil, N/S Jolly Acres Road, on NEC Jolly and Old York Roads (#4500 Jolly Acres Road), D-7, Private Water and Sewer

COMMENTS ARE AS FOLLOWS:

An evaluation of the sewage disposal system will be required prior to the approval of a building permit for the addition.

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

April 27, 1992

Thanos E. Kanellakos, Esquire 3224 Eastern Avenue Baltimore, MD 21224

> RE: Item No. 375, Case No. 92-363-XA Petitioner: James A. Brazil, et ux Petition for Special Exception and Variance

Dear Mr. Kanellakos:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with above referenced petition. The attached comments from each reviewing agency are not intended to assure that that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning peitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnell.

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BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: April 1, 1992

4494-92

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: March 30, 1992

This office has no comments for item numbers 363, 366, 367, 368, 369, 370, 371, 372, 374, 375, 377, 378, 379, 380, 381 and 382.

Traffic Engineer II

RJF/lvd

Baltimore County Government Fire Department

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

700 East Joppa Road, Suite 901

Towson, MD 21204 5500

RE: Property Owner: JAMES A. BRAZIL AND JOANNE BRAZIL

#4500 JOLLY ACRES ROAD Location:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988

Noted and Fire Prevention Bureau Planning Group Special Inspection Division

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 20th day of March , 1991.

ZONING PLANS ADVISORY COMMITTE

Petitioner: James A. Brazil, et ux

Petitioner's Attorney: Thanes E. Kanellakos

(301) 887 (500

APRIL 2, 1992

Item No.: 375 (JCM) Zoning Agenda: MARCH 30, 1992

Gentlemen:

5. The buildings and structures existing or proposed on the site edition prior to occupancy.

JP/KEK

tions.

375.ZAC/ZAC1

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: April 3, 1992 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for March 30, 1992

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 363, 366, 367, 368, 369, 370, 371, 372, 374, 376, 377, 378, 379, 380, 381 and 382.

For Item 362, the parking space that is shown in the Grendon Avenue widening should not be counted in the variance request.

For Items 373 and 375, we think that these sites are subject to Division II of the Development Regulations.

> ROBERT W. BOWLING, P.E. Chief Developers Engineering Division

RWB:DAK:6

401 Bosley Avenue

Towson, MD 21204

Baltimore County Government Department of Environmental Protection and Resource Management

(410) 887-3733

BALTIMORE COUNTY, MARYLAND Inter-Office Correspondence

Zoning Commissioner, Office of Planning & Zoning

Robert C. Merrey, Jr.

April 10, 1992

Zoning Variance Request, ZAC #375

This office recommends approval of "crusher-run" crushed stone in lieu of the required durable and dustless surface for the parking area. All crusher-run surfaces are to be treated in accordance with Environment Article 26.11.06.03 D (2) in order to prevent particulate matter from becoming airborne. Treatment and maintenance of this surface is an owner responsibility and will be on a continuing basis as necessary to

James A. and Joanne Brazil Property Owners:

N/S Jolly Acres Road, on NEC Jolly and Old York Location: Roads (4500 Jolly Acres Road)

Existing Zoning: R.C.-2

control airborne particulate.

cc: Zoning Variance File

BRAZIL/TXTMDB

Proget on Bergoled Paper

Baltimore County Government Zoning Commissioner Office of Planning and The For

November 5, 1992

ZONING OFFICE(410) 887-4386

Mr. James A. Brazil 4500 Jolly Acres Road White Hall, Maryland 21161

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & ZONING VARIANCE N/S Jolly Acres Road, at NE/Corner of Old York Road (4500 Jolly Acres Road)

7th Election District - 3rd Councilmanic District James A. Brazil, et ux - Petitioners Case No. 92-363-SPHXA

Dear Mr. Brazil:

Suite 113 Courthouse

Towson, MD 21204

400 Washington Avenue

I am in receipt of your letter dated October 15, 1992 in which you requested my review and approval of an enclosed red-lined plan for the above-captioned property. Said plan was to incorporate the changes made in accordance with the relief granted pursuant to my Order issued June 15, 1992. You indicated my review of said plan for compliance was necessary in order to obtain approval of the C.R.G. waiver plan from John L. Lewis, Planner II, in the Office of Zoning Administration and Development Management (ZADAM).

Please be advised that I have reviewed the red-lined plan you submitted regarding the alteration of the parking area on the subject site and find that the changes made are within the spirit and intent of my Order. Therefore, by copy of this letter to Mr. Lewis, the Zoning Administration Office will be advised that the subject plan should be approved.

In the event you need anything additional, please do not hesitate to call me.

Very truly yours, Deputy Zoning Commissioner for Baltimore County

cc: John L. Lewis, Planner II - ZADAM File

PETITIONER(S) SIGN-IN SHEET PLEASE PRINT CLEARLY 3224 Carpen Hience Thanes Kanellakes, To Baltimore my 21224 Mi + Mrs. Janes A Brazil 4500 XIL Hores Model white hall, mil 21161

Mr. Famili / Traffic Mr. Weiss / Sanitation Mr. Beaumont / Land Acquisition Ms. Lutz / House Numbers Capt. Pfeifer/ Fire Department Mr. Kinder / Recreation & Parks Ms. Blank / SHA Mr. McDaniel/Strategic Planning/Development Review (3) ggom: Susan Wimbley Bureau of Public Services SUBJECT: Project Name: Shane Valley Antiques District: 7 03 Project Number: 92123z W-92-47 EADM Number: Ungineer: Mank and Kuntz Phone Number: ACTION REQUESTED: x Waived CRG Meeting CRG Plan Refinement CRG Non-Material Amendment Limited Exemption (26-171.b.9) ____ Waived Hearing Office Hearing The attached Development Plan was granted a waiver from the Community Input Meeting and the Hearing Officers Hearing or the Hearing Officers Hearing only. Please review the plan for compliance with current regulations and return comments to our office by 9-19-92. If you have no comments or do not need to review this plan, please indicate by placing your initials here _____. (This procedure is similar to the waived C.R.G. meeting procedure.) Thank you for your attention to our request. SDW:sdw cc: File (3) PLAT TO ACCOMPANY PRINTION FOR ZONING VARIANCE, SPECIAL HO PRIOR HEAT ING ON SITE TOTAL

PROPERTY ZONED R.C. 2 7 THE ELECTION DISTRICT 3 RD COUNCILMANIC DISTRICT

SALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

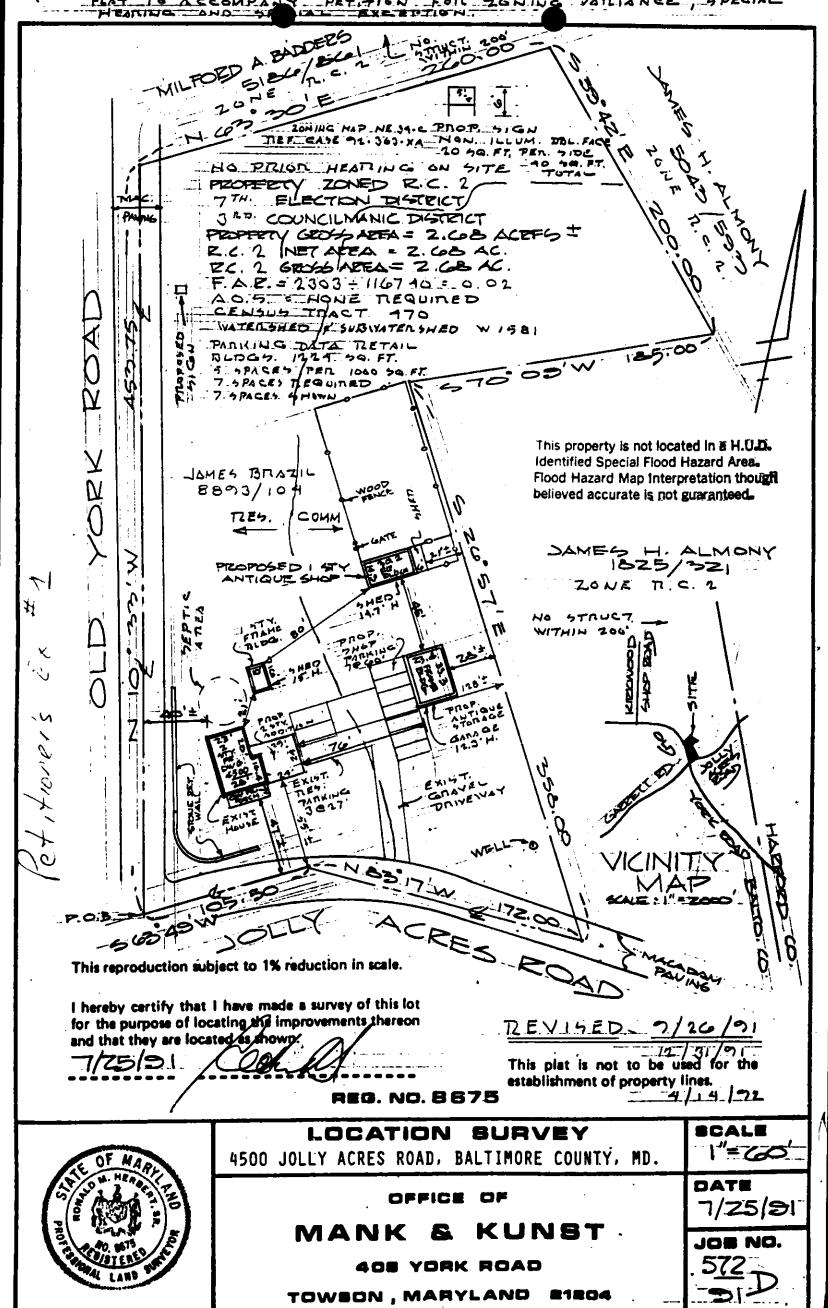
Mr. Wirth SWM (2)

Mr. Rascoe / ZADM (2) Mr. Richards / Zoning

Mr. Bowling / DED (2)

Mr. Powell - EIRD Mr. Seeley / W&S

DATE: August 27, 1992



Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning November 25, 1992

(410) 887-3353

4500 Jolly Acres Road White Hall, MD 21162

> RE: Shane Valley Antiques #92-363-SPHXA W-92-47

Dear Mr. Brazil:

James A. Brazil

111 West Chesapeake Avenue

Towson, MD 21204

Please be advised that compliance with the Zoning Office's comments #3.A. and B. for W-92-47, dated September 10, 1992, is still required for zoning waiver approval. These must be shown legibly on the site plan. Please contact Public Services (887-3340) to determine the number of revised plans required.

If you need further information or have any questions regarding zoning, please do not hesitate to contact me at 887-3391 (FAX - 887-5708).

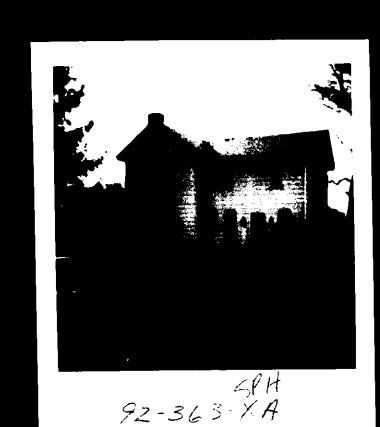
Very truly yours,

Planner II

JLL:scj

cc: Public Services Zoning File #92-363-SPHXA

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CAUC 92-363 SPHXA

